

**Minutes
Newton Planning Commission
September 25, 2012
Council Chambers
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on September 25, 2012 in the Council Chambers at City Hall.

Members

Present: Ken Simmons, Chairman
Melinda Travis
Jim Smith
Donny Setzer
Stan Gabriel
Mark Stalnaker
Jim Granny

Members

Absent: None

Staff Present:

Alex Fulbright, AICP, Assistant Planning Director
Max Sigler, Planner
Rob Powell, Commercial Development Coordinator

Item 1: Call to Order

Chairman Simmons called the meeting to order at 7:00 pm.

Item 2: Consideration of Minutes of the August 28, 2012 Meeting

Chairman Simmons asked for consideration of the minutes of the August 28, 2012 meeting. There being no corrections or additions, Chairman Simmons ruled that the minutes were approved as presented.

Item 3: Public Hearing

Text Amendment: 2012-04 Roadside Stands

Chairman Simmons recognized Planner **Max Sigler** who reviewed his memo related to Temporary Uses and Structures. Within the Schedule of District Regulations, there is a use listed for Roadside Stands. This use however, does not have a corresponding definition or any regulations. Roadside Stands are currently allowed in our B-2, B-4, and M-1 zoning districts.

The proposal presented defined roadside stands as follows:

Roadside Stand – Shall include the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products for a fixed period of time not to exceed 90 days per calendar year. Such uses will be characterized by their short term or seasonal nature and by the fact that permanent modifications or improvements are not made to the site.

Roadside stands would be allowed to locate within the B-2, B-4, and M-1 Zoning Districts provided that the following administrative standards are met.

Roadside Stand – Shall include the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products for a fixed period of time not to exceed 90 days per calendar year. Such uses will be characterized by their short term or seasonal nature and by the fact that permanent modifications or improvements are not made to the site.

- A. Operators of Roadside Stand sales areas shall obtain a Temporary Use Permit from the Planning Director or his designee. The operator shall provide a site plan illustrating the temporary sales area, location of pedestrian areas, a statement regarding the duration, authorization of the property owner, and any permit or other fees as approved by the City Council*
- B. The Planning Director may issue a Roadside Stand permit for a maximum of 90 days per calendar year. All debris and temporary structures will be cleared from the site before the expiration of the permit*
- C. A Roadside Stand shall not utilize more than 20% of the required parking stalls provided on the site for temporary sales purposes*
- D. All Roadside Stand sales shall be located outside the public right of way and shall be located outside of sight triangles, landscaped areas, and in such a manner as to provide parking outside the rights of way and not to otherwise create an unsafe traffic condition*
- E. All structures must meet wind construction standards and tie-down standards per state building code. Any other applicable permits must be issued and displayed onsite before sales may begin*
- F. The Planning Department may revoke a Roadside Stand permit if it finds that the terms of the permit have been violated or there is a hazard to public health, safety, or welfare*

With no further discussion, **Chairman Simmons** closed the Public Hearing and asked for a motion. A motion was made by **Jim Granny**, and seconded by **Jim Smith** to recommend to City Council approval of the text amendment as presented. The vote was unanimous in favor of the motion.

Item 4: Old Business

Accessory Dwelling Units – Text Amendment: 2012-02

Chairman Simmons recognized Planner Max Sigler, who reviewed the revised draft ordinance language. The revised draft addressed including restricting accessory structures to 500 square feet, allowing them to be constructed in the rear yard only, and removing the requirement that the property owner reside on the property. The revised draft includes a definition for Accessory Dwelling Unit as follows:

Accessory Dwelling Unit (ADU): A secondary dwelling unit created on a lot either to be located within the principal dwelling unit or within a separate accessory structure.

Accessory Dwelling Units would be allowed provided that the following conditions are met.

- (a) The size of an ADU may not exceed 500 square feet. The ADU, main dwelling, and parcel shall be owned by the same person.*
- (b) No more than one ADU shall be permitted on a single deeded lot.*
- (c) The ADU must comply with all building setbacks and shall not be located in the front or side yards.*
- (d) Must maintain design consistency with the principal structure.*
- (e) The ADU shall not be served by a driveway separate from that serving the principal dwelling.*
- (f) A detached ADU shall be served by separate utilities.*
- (g) A separate means of egress shall be provided.*
- (h) All North Carolina State Building Codes and City of Newton Minimum Housing Codes shall apply.*
- (i) All ADUs shall be permitted and registered with the Planning Department.*

The Planning Commission discussed the proposal. There were concerns about attached ADU's versus detached ADU's, as well as confusion as to the relationship of the proposal to existing provisions for accessory structures.

A motion was made by **Mark Stalnaker**, and seconded by **Jim Smith** for staff to revise the proposal to distinguish between attached and detached; and to differentiate between the proposal and existing language.

Assistant Planning Director Alex Fulbright presented information about the relationship of the City's Minimum Housing Ordinance to the proposed ADU ordinance, specifically the maximum number of occupants. It was explained that the maximum number of occupants applied to any dwelling unit, whether it was an accessory dwelling unit or not. It was the consensus of the Planning Commission that the existing regulations were sufficient and no changes were needed at this time.

Item 5: New Business

No new business.

Item 6: Reports

Chairman Simmons recognized **Mr. Fulbright** who reviewed the department's activity report and items that could be potential agenda items at upcoming meetings, which included Solar Farms, Indoor Shooting Ranges, potential changes to the Highway Corridor Protection Overlay Districts, and Stormwater Management Plan. It was also announced that the Planning Department would be hosting a Public Drop-in Workshop for the Westside Area Plan, which would be held at the Newton Depot on October 4, 2012, from 5 to 7 p.m.

Item 7: Adjournment

With no further business, the meeting was adjourned.

Respectfully submitted,

Alex Fulbright, AICP
Recording Secretary